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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,215	04/08/2004	Hongyuan Wang	9896-000036/CO	9409
97617 7590 08/12/2010 Harness, Dickey & Pierce, P.L.C. P.O. Box 828 Bloomfield Hills, MI 48303				
EXAMINER YENKE, BRIAN P				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
08/12/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jmlafata@hdp.com  
troydocketing@hdp.com  
uspatent@huawei.com

# Office Action Summary

Application No.

10/821,215

Applicant(s)

WANG ET AL.

Examiner

BRIAN YENKE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment 06/02/10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2a. Claim 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Weij et al., US 5,781,245, Isoda (JP-2000-041185) and Tanaka et al., US 2003/0215219.

In considering claim 1,

a) the claimed providing a caption generating module is met by elements server 612, generator 614 and inserter 616 (col 4, line 14-22), wherein based upon a user's selection of a particular TXT page (col 4, line 37-61) wherein the TXT data is merged transparently (col 3, line 49-57).

b) the claimed providing a caption overlaying module..is met by transmitter 618, inserter 616 along with the generator 614 and server 612, wherein the combined/mingled image (video/TXT) is transmitted from one location to another, also as noted by Van Der Weij, the system may be used for a multiple user game or video conference (col 6, line 35-40), where signals would be transferred from one location to another. It is also noted than Van Der Weij discloses that the user may activate or deactivate one or more of the windows via a user request (col 6, line 34-45).

It is noted that Van Der Weij, does not explicitly recite the conventional features of overlaying a subtitle onto a TV signal (608) being encoded or digital, nonetheless, the examiner will evidence the features of such.

The examiner incorporates Isoda which discloses that a video image and subtitle are transmitted together (overlayed) which may be received and displayed as the transmitted/overlayed image (without any VBI detection/separation as known in analog images). See Fig 5 wherein image 501 (signal 153) is overlayed with subtitle 502 (signal 152) to create composite 503 (signal 155) which is transmitted as a part of signal 159 (Fig 1) through network 20 and received by digital system 30. The received signal 351 is shown in Fig 6 (which is the transmitted overlayed image/subtitle 503 (Fig 5).

The motivation for modifying Van Der Weij with Isoda would provide a system that could efficiently transmit images and subtitle information together thereby without separating/processing/combining the images again, thus being more efficient.

Regarding the overseas terminals, in view of the Supreme Courts decision with respect to KSR vs Teleflex, the features of providing captioning data which was displayable either on a local and/or remote system would be obvious to the language of a regions for the immediate benefit of being able to be read.

Regarding the newly amended dot-matrix image, although the above combination does not explicitly recite such, the transmission/reception of dot-matrix image/text is conventional in the art.

The examiner incorporates Tanaka which discloses the use of dot matrix text data for display (para 0319-3-1, 0339-0344 and 0343).

The motivation for the Van Der Weij et al. and Isoda using dot matrix image/text data would provide a known format to display the text data.

In considering claim 2,

Van Der Weij discloses that the portioning of the image/display/windows (size, orientation, number of windows) is known in the art and is typically done at the broadcasting side (col 3, line 31-39), in addition it is noted that Van Der Weij discloses the use of a video conferencing system, including multiple users.

In considering claim 4,

As stated above with respect to claim 1, Van Der Weij discloses displaying the TXT information on a transparent background.

In considering claims 3 and 5,

See rejection of claim 1.

In considering claim 6,

The combination above discloses overlaying the caption/TXT on the digital image prior to encoding, since the two signals are combined into a single signal.

In considering claim 7,

Please refer to claim 1 above.

In considering claim 8,

Please refer to claim 5 above.

In considering claims 9-10,

Van Der Weij discloses a TXT generator 614, inserter 616 and sending unit 618 via cable TV network 608, although Van Der Weij does not explicitly recite a CODEC unit, the functions of overlaying the caption data with image data is performed thus meeting the limitation.

2b. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Weij et al., US 5,781,245, Isoda (JP-2000-041185) and Tanaka et al., US 2003/0215219 and Ludwig, US 6,212,547.

In considering claim 11,

Claim 11 differs from claim 1 in that claim 11 recites a first and second video conference terminal sites.

The examiner incorporates Ludwig, US 6,212,547 which discloses the use of a plurality of workstation conference terminals in transmitting/receiving audio/video and textual data.

The motivation for modifying VanDerWeij/Isoda and Tanaka with Ludwig would provide the user's the ability to communicate/collaborate with remotely located users if desired in transmitting/receiving of information.

In considering claim 12,

Refer to claim 5 above.

In considering claim 13,

Refer to claim 9 above.

In considering claim 14,

Refer to claim 10 above.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of

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Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

/BRIAN P. YENKE/  
Primary Examiner, Art Unit 2622

B.P.Y  
05 Aug 10